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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

AMANDA JUNE PATTERSON,

Defendant and Appellant.

A142512

(Napa County
Super. Ct. No. CR170028)

Defendant Amanda June Patterson appeals the judgment following her no contest plea. Appointed appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), in which he raises no issue for appeal and asks this court for independent review of the record. (See *People v. Kelly* (2006) 40 Cal.4th 106, 124.) Counsel attests that defendant was advised of her right to file a supplemental brief in a timely manner, but defendant has not exercised such right.

We have examined the entire record in accordance with *Wende*. For reasons set forth below, we agree with counsel that no arguable issue exists on appeal. Accordingly, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND¹

On the evening of March 15, 2014, Napa Police Officers spotted two reported stolen vehicles, a Nissan Xterra and a BMW, that had been taken from the garage at the home of Mark and Kim Nicol. As the vehicles began to accelerate, one officer turned on

¹ The facts are taken from a synopsis of the police report contained in the probation officer's report, as well as from a supplemental police report.

his overhead lights. At some point, during the ensuing police pursuit, the BMW separated from the Nissan and the officers lost track of it. Defendant was driving the Nissan. While evading the police, defendant and her sister switched seats. Defendant's sister drove the Nissan down an embankment and crashed into a heavily wooded area. When police searched defendant's wallet, they discovered a Best Buy Rewards card, as well as debit and credit cards, in the name of Shawn Lemos. They also found a Wells Fargo check payable to defendant, in the amount of \$340.22, that had been drawn on the account of Zachary Booth. Defendant told police that she had found the cards on the floor of the car.

Police discovered the BMW in the parking lot of a funeral home. The car was locked, with all the windows up. Mark and Kim Nicol arrived with a set of keys. Kim unlocked the car and pointed out that two blankets behind the driver's seat had been in the Nicols' Nissan that had also been stolen. Several bags were in the car that did not belong to either Kim or Mark.

Defendant was charged by felony complaint with evading officers with willful disregard for the safety of persons and property (Veh. Code, § 2800.2, subd. (a) [count one]); unlawfully taking or driving a motor vehicle (Veh. Code, § 10851, subd. (a) [count two]); and receiving stolen property (Pen. Code, § 496, subd. (a) [count three]).

Before any preliminary hearing was held, defendant pleaded no contest to unlawfully taking or driving a motor vehicle (Veh. Code, § 10851, subd. (a) [count two]); and receiving stolen property (Pen. Code, § 496, subd. (a) [count three]).

In exchange for her plea, the willfully evading an officer count (Veh. Code, § 2800.2, subd. (a) [count one]) was dismissed with a *Harvey*² waiver.

The court sentenced defendant to probation for 36 months conditioned upon, among other things, that she serve 90 days in the county jail. Over a defense objection, the trial court set the amount of victim restitution at \$1,249. In his financial impact statement, Mark Nicol sought compensation for various crime-related costs, including

² *People v. Harvey* (1979) 25 Cal.3d 754

\$225 for two men's jackets that had been taken from the Nissan, \$600 for a pair of women's Bulgari sunglasses that had been taken from the BMW, together with \$144 for installing new house locks, plus \$280 for a Vallejo Police badge that had been taken from the garage.

At the contested restitution hearing, defense counsel challenged the recovery of the \$600 sunglasses taken from the BMW and the \$280 police badge taken from the garage. Counsel argued that nothing in the police reports connected defendant to either the BMW or any items from the garage. Defendant did not plead to anything connected to a burglary. Rather, her plea was limited to offenses related to the Nissan.

In ordering the full amount of restitution, the trial court reasoned "the BMW and the Nissan were taken out of the same garage, and then you have an overlap of . . . the same people were involved in both thefts. . . . And you have the fact that property from the [Nissan] was . . . found in the BMW." Given the "connection between the glasses and the badge, the badge being in the garage and the glasses being in the BMW," the court concluded it was reasonable to order the full amount of restitution.

DISCUSSION

Having undertaken an examination of the entire record, we find no arguable issues. (*Wende, supra*, 25 Cal.3d 436.) "The sentencing court has broad discretion to determine whether an eligible defendant is suitable for probation and, if so, under what conditions. [Citations.]" (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1120 (*Carbajal*)). "In granting probation, courts have broad discretion to impose conditions to foster rehabilitation and to protect public safety pursuant to Penal Code section 1203.1. [Citations.]" (*Id.* at pp. 1120-1121.) Section 1203.1, subdivision (j), provides: "The court may impose and require . . . [such] reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from that breach, and generally and specifically for the reformation and rehabilitation of the probationer" A sentencing court's broad discretion to impose reasonable conditions of probation "includes ordering restitution, if such a condition is *reasonably related* to the

crime of which the defendant was convicted or to future criminality. [Citations.]” (*In re I.M.* (2005) 125 Cal.App.4th 1195, 1209, italics added.) However, an order of restitution is not improper merely because the defendant was not personally or immediately responsible for a victim’s loss. (*Ibid.*)

“California courts have long interpreted the trial courts’ discretion to encompass the ordering of restitution as a condition of probation *even when the loss was not necessarily caused by the criminal conduct underlying the conviction*. Under certain circumstances, *restitution has been found proper where the loss was caused by related conduct not resulting in a conviction* [citation], *by conduct underlying dismissed and uncharged counts* [citation], *and by conduct resulting in an acquittal* [citation].” (*Carbajal, supra*, 10 Cal.4th at p. 1121, italics added.)

Considering the entire record, we conclude the trial court did not abuse its discretion by imposing restitution of the Nicols’ economic losses as a condition of defendant’s probation. (See *Carbajal, supra*, 10 Cal.4th at pp. 1126-1127.)

DISPOSITION

The judgment is affirmed.

REARDON, J.

We concur:

RUVOLO, P. J.

STREETER, J.